

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 817

IN THE MATTER OF:

Served May 14, 1968

Order to Show Cause Directed)
Against Napoleon Hill, Alleged)
Overcharge of Taxi Fares.)

Docket No. 177

APPEARANCES:

RENN C. FOWLER, Assistant General Counsel, Washington
Metropolitan Area Transit Commission

This proceeding was initiated by the Commission pursuant to Article XII, Section 13, of the Washington Metropolitan Area Transit Regulation Compact (Compact), upon the receipt of credible information that Napoleon Hill, 5109 Mann Street, N. E., Washington, D. C., a taxicab operator doing business in the District of Columbia, did demand and collect on the 10th, 11th, and 18th of January 1968, unlawful fares for certain interstate taxicab transportation. By Order No. 811, issued April 26, 1968, the Commission made said Napoleon Hill a respondent to this proceeding, and ordered a hearing be held to give said Napoleon Hill the opportunity to appear and show cause:

1. Why he should not be found to have wilfully and knowingly demanded and collected a fare in excess of that authorized and prescribed by Commission Orders Nos. 67 and 91.
2. Why the Commission should not seek judicial restraint against him in order to prohibit future non-compliance with the taxi rates prescribed by the Commission; and
3. Why the Commission should not seek to have the penalties prescribed in Section 18 of the Compact imposed.

Order No. 811 also directed the respondent, a carrier as defined in Section 2(a), to pay to the Commission the sum of Fifty Dollars (\$50.00) for the purpose of defraying expenses of the proceeding as required by Section 19.

The hearing was held on May 6, 1968, before Chairman George Avery. Mr. Hill did not make an appearance at the hearing nor did counsel appear on his behalf. Moreover, Mr. Hill did not comply with the assessment provision of Order No. 811.

The Staff presented three (3) witnesses. The first, Mr. James D. Bell, testified that on January 10, 1968, a party of three, including himself, engaged a taxicab in front of 1710 H Street, N. W., Washington, D. C., to transport them to the taxi entrance of the Pentagon, located within the Commonwealth of Virginia. He identified the driver of the taxicab as Napoleon Hill. Upon arrival at the Pentagon, Driver Hill levied a charge of \$1.20 per passenger, or a total of \$3.60 for the trip.

Subsequently, on January 11, 1968, Mr. Bell and three other individuals engaged a taxicab in front of the Occidental Restaurant at 1411 Pennsylvania Avenue, N. W., Washington, D. C. to transport them to the South Parking entrance at the Pentagon, located within the Commonwealth of Virginia. He identified the driver of the taxicab as Napoleon Hill. Upon arrival at the Pentagon, Mr. Hill demanded a charge of \$4.40 for the trip.

Mr. Bell stated that he objected to the charges. Lastly, he stated that Mr. Hill had not made any effort to refund to him the difference between the amounts authorized to be charged and the amounts levied.

The second Staff witness, David H. Semendinger, testified that he is assigned to the Engineering Department of the Commission and that one of his duties is investigating complaints of taxicab fare overcharges. He stated that the Commission had received written complaints concerning Mr. Hill. The distance travelled on January 10, 1968, was measured and found to be 4.2 miles, he stated, and, under the rate of fare prescribed by this Commission in its Orders Nos. 67 and 91, the fare for three persons riding that distance together as a party should

be calculated at \$.50 (Fifty Cents) for the first mile, \$.20 (Twenty Cents) for each additional half-mile or fraction thereof, and \$.20 (Twenty Cents) for each person in the party in excess of one. The appropriate fare would be \$2.30, he testified.

The distance travelled on January 11, 1968, was measured and found to be 3.2 miles, he stated, and, under the rate of fare prescribed by this Commission in its Orders Nos. 67 and 91, the appropriate fare would be \$2.10, he testified.

Mr. Semendinger related that the Commission wrote to Mr. Hill informing him of the complaint, and requesting Mr. Hill to contact him. To this date, the Commission has received no response whatsoever from Mr. Hill except for a letter from his attorney dated March 12, 1968, which denied the alleged charges.

The third Staff witness, Lawrence J. Chisefsky, testified that he is assigned to the Commission's Engineering Department, and one of his duties is to investigate taxicab complaints. He stated that, together with Mr. Semendinger, he had investigated complaints of excessive taxicab charges by the same Napoleon Hill. Mr. Chisefsky corroborated the accuracy of Mr. Semendinger's mileage figures and fare computations.

As indicated, Mr. Hill has not complied with the assessment levied in Order No. 811.

Jurisdiction to regulate the rate of charge for taxicab transportation from one signatory to another is conferred upon this Commission by Section 1(c), Article XII of the Compact, which is an interstate agreement between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. The Congress of the United States directed the District of Columbia to enter into the agreement, and gave the Compact its consent and approval in Public Law 86-794 (74 Stat. 1031), as amended by Public Law 87-767 (76 Stat. 764).

Pursuant to that statutory mandate, the Commission prescribed such rates by Orders Nos. 67 and 91.

The proper fares the respondent Hill should have charged the complainant Bell and parties were those described by Witness Semendinger, as the passengers were a "party" and travelled to the same destination; therefore, the fare should have been computed as required under Regulation (f)(1), Order No. 91.

The Compact requires that the carrier complained of be given notice of the complaint and a hearing at which it can defend itself. Accordingly, Order No. 811 was issued, and served upon Napoleon Hill, by mailing, postage prepaid, copies thereof on April 26, 1968. The respondent declined to appear and offer any defense to the allegations made against him. His refusal to charge the taxicab fares prescribed, coupled with his failure to offer any cause for non-compliance, can only lead to the conclusion -- and the Commission so finds -- that the said Napoleon Hill has wilfully and knowingly violated Orders Nos. 67 and 91. His refusal to pay the assessment levied in Order No. 811 is, we find, a knowing and wilful violation of that Order. A cease and desist order will herein issue, requiring the respondent to charge only the lawful rates prescribed by the Commission for the transportation of passengers by taxicab from one signatory to another.

Because of respondent's past acts, and his complete and utter disregard of orders of this Commission, we find that Napoleon Hill has been engaged, and is about to engage, in acts and practices, that is demanding and collecting taxi fares other than those prescribed by the Commission, which constitute and will constitute a violation of orders issued under the provisions of the Compact. The public interest requires that this unlawfulness be stopped. Therefore, the Commission will bring an action immediately to enjoin such acts and to enforce compliance with the Compact and its orders thereunder. Further, the Commission will seek immediate invocation of the penalties prescribed in Section 18(d) of the Compact.

THEREFORE, IT IS ORDERED:

1. That Napoleon Hill, 5109 Mann Street, N. E., Washington, D. C., be, and he is hereby, directed to cease and desist from demanding and/or collecting any fare or rate of charge other than prescribed by this Commission for the transportation of passengers by taxicab from the jurisdiction of one signatory to the Compact to another within the confines of the Metropolitan District.

2. That the General Counsel of the Commission forward a true copy of this Order to the appropriate enforcement officer.

BY DIRECTION OF THE COMMISSION:

Melvin E. Lewis

MELVIN E. LEWIS
Executive Director